# CHOATE ARGUES FOR DEFENSE IN REBATE CASES St. Paul, Union and Southern Pacific and Rock Island

Blames "Muckrakers" for Law Making Rebating a Crime.

The United States Circuit Court was crowded to-day when the case of the New York Central Rallroad, charged with having granted rebates to the mand. spectators were many prominent lawyers, as well as students of law, who that stock and Southern Pacific prompt-Ambassador Choate.

This point was to have been raised in

Central.

This point was to have been raised in the defense of the Sugar Trust, by the defense of the Sugar Trust, by said. Mr. Choate was retained, and Judge Holt was asked to hear him before passing on the construction of the law in the Central case.

Mr. Choate, flanked by John E. Parsons, general counsel for the Sugar Trust, was early on hand. He said he had been retained to argue a demurrent on the same point by the Western Transit Company, also charged with rebating and asked that his argument of to-day be permitted to be considered. Austen G. Fox, of counsel for the Central, said all the points son objected. Austen G. Fox, of counseled for the Central, said all the points of the construction of the Elkins act must be met sooner or later, and he thought it better to thresh it all out though it is night.

The most of the pressure centred and irrestited contract Copper and Analysis and American Copper and Stable Doyle's home, and, after a discussion of business, renting from Doyle. The waste of the waste, but with gains predoming the wint with gains predoming the wint with gains predoming the winter to the kind and irregular, but with gains predoming the wint with gains predoming the wint with gains predoming the predoming the wint with gains predoming the predoming the wint with gains predoming the wint with gains predoming the predoming the wint with gains predoming the point of the king of the predoming the predoming the predoming the predoming the predoming the predoming the pred

Not a single juror left the box, all

being anxious evidently to hear the calebrated advocate.

INCOMING STEAMSHIPS. DUE TO-DAY.
Clara, Shields, Strattar, Gibraltar, Olinda, Gibraltar, Germania, Naples, Batavia, Hamburg, Alesia, Hamburg, Monterey, Vera Crus.

OUTGOING STEAMSHIPS. SAILED TO-DAY. Touraine, Havre. Dominic, Para, mburg, Naples. Athalie, Asyantina. eranza, Campecha Cherokea, Turk's Isl.

# STOCKS ACTIVE IN MIXED MARKET

Were Leaders.

The market was showing signs of yielding in sympathy with the drive against St. Paul, when supporting orders began to appear for that stock. St. Paul rallied from 1815-8 to 1835-4. placing it a point above yesterday's closing. The balance of the list also moved up vigorously, with Reading and batant wielded a pitchfork and the other the transcontinental stocks in large de-

Sugar Trust, was called. Among the Support was offered St. Paul for a time, but the evidence of realizing in came to hear the argument of former ed a general selling movement at noon. Northern Pacific fell 11-2 and Pennsyl-Choate was to appear and argue the point raised yesterday, that the Eikins act was not retroactive, and so it did not cover the acts charged against the Central.

This point was to have been raised in any analysis of the pressure centred against St. Paul, the Harriman stocks and Analysmatet Copper.

The Closing Quotations.

To-day's highest, lowest, closing price id not changes of stocks from verteria; calebrated advocate.

Mr. Choate went into the history of the Elkins law and prior haws relating to common carriers.

"We never really know, either as lawyers or judges," said Mr. Choate.
"what a law really means until the Supreme Court of the United States has spoken."

Not a Crime, Then.

Mr. Choate said the practice of rebating, or granting lesser rates, was not looked upon as a criminal offense. It turned out, however, Mr. Choate, said, that there were many powerful corporations that were more skillful in evading the interstate Commerce lake chan the carriers themselves. These powerful corporations were subjected to public condemnation when they afforded powerful corporations were subject to public condemnation when they afforded powerful corporations such protection as they were law-faily entitled to.

"And, Decause of all this, he said, "came the passage of the Elkins act than also came the ceiebrated Hepburn act. Under the latter enactment I do not see show any of us, no matter who we are, can escape punishment under that act if we get a package by express and pay a penny more than the rate we may be emprished. The first criminal penalty invoked upon the corporations as well as the last serior. The first criminal penalty invoked upon the corporations as well as the last serior and the criminal penalty invoked upon the corporations as well as the last serior and the criminal penalty invoked upon the corporations as well as the last serior and the criminal penalty invoked upon the corporations as well as the last serior and the criminal penalty invoked upon the corporations as well as the last serior and the criminal penalty invoked upon the corporations as well as the last serior and the criminal penalty invoked upon the corporations as well as the last serior and the criminal penalty invoked upon the corporations as well as the last serior and the criminal penalty invoked upon the corporations as well as the last serior and the criminal penalty invoked upon the corporations as well as the last serior and

rate we may be exprisoned, but happily that act does not enter into this discussion.

"The first criminal penalty invoked upon the corporations as well as the carrier which came from Congress we find in this Elkins act." he asserted.

The lawyer then read the Elkins act.

The lawyer then read the Elkins act. and dectared that the shippers, whom he represented that the shippers to the shipment of sugar through three separate companies to the West and a certain portion of the rate paid was refunded. These simpments, he said, were rinded in the latter part of the summer in 1902, made and completed four incortise prior to the passage of the like and the future obey the law and conform his business to the meaning of the law and conform his business to the meaning of the law and conform his business to the meaning of the law and conform his business to the meaning of the law at the shipper must.

BEAR PRESSURE

The Eikins act plainty reads shall be read Mr. Louse the meaning of the future they the law and conform his business to the meaning of the law. It does not require a lewyor to understand this area. It was passed for the heave it does not criminal asks which were not criminal asks which were not criminal ask months before, if the District-Attorney's construction is correct. Congress certainly had a right to regulate commerce, but there are a constructed to the process construction is correct. Congress certainly had a right to regulate commerce, but there are a reasonable interfere with."

Judge Holt pointed out there were two others paragraphs of the Eikins and the word of the which the words "shall be" had not been used and which clearly covered the which the words" shall be" had not been used and which clearly covered the which the words "shall be" had not been used and which clearly covered the which the words "shall be" had not been used and which clearly covered the which the words "shall be" had not been used and which clearly covered the which the words "shall be" had not been used to the process covered the which the words "shall be" had not been used and which clearly covered the which the words and an additional process and the sale had been the word of the process of the published solution to dismiss the process of the published with great deliberation. "It was a freed to be the profamiliar through the eastern belie, particularly if your money is not too plentiful. A GOOD Plano is cheap to day there eight to nine the process and the authority of the process and the sale from the cast the published solution and the case of the published solution and the process of the profamiliar through the eastern belief to the process and the sale from Liver the cast of the process of the published solution and the process of the published through the process of the published through the process of the published through the process o

\*\*SHIPPING NEWS.\*\*

ALMANAC FOR TO-DAY.

Sun rises. 6.46|Sun sets. 4.44|Moon rises. 5.37

THE TIDES.

High Water. Low Water.

Table 4.00 bullish news. Most of the early selling was in December. Corn was steady at an advance.

Naw. York's opening prices were: Wheat—May, 79 to 787s to 79; December, 74 to 741-8 to 74; July, 77 1-4. Corn—December, 42 1-2 to 42 5-8; May, 43 5-8; July, 41 1-8.

New. York's closing prices.

STOCKS RISE IN

THE LONDON MARKET LONDON, Nov. 15 .- Money was in good demand to-day and supplies were good demand to-day and supplies were rather larger. Discounts were firm. Prices on the Stock Exchange continued firm, the favorable bank statement further assisting in maintaining the recent cheerfulness. Consols were dealt in more freely, while Home Rails, especially the heavy lines, advanced on good investment purchases. Foreigners failed to beneft by the favorable Paris advices, with the exception of Russians, which were a shade harder.

# FOUGHT A DUEL WITH CROWBAR AND PITCHFORK

Man with Crowbar Won, and Victim Dies in

Following a duel in which one com a crowbar, John Doyle, of No. 231 Union avenue, Williamsburg, died to-day and George Logeman, of No. 234 North Eleventh street, was held without bail, charged with homicide. Dovle's skull was fractured, and Logeman bears the marks of a flerce fight.

Hospital.

Doyle owned numerous stables and yards around Williamsburg, sub-letting them to teamsters and making a good profit. Logernan had a good hay and grain business, renting from Doyle.

# FOR SPLITTING FEES.

Ed. Raynor Committed Offense Unpardonable in Wall Street and Exchange Punishes Him.

Edwin F. Rayner, one of the most popular floor traders on the Stock Exchange, was suspended from membership for four years by the Board of Governors to-day. He has been a member of the Exchange since 1896. No. Mr. Raynor did not commit mur

der; neither did he commit mayhem, nor arson, nor grand larceny. He didn't fall and skin his customers or go into fake bankrupley or mistead the public

fake bankrupley or mistead the public by false advices.

He committed a far more belinous crime than any of these. He split commissions with some of his customers. In other words, he did not take his pound of flesh. No offense approximates this in Wall street.

The severity of the sentence is said to have been intended as a note of warning to others. Raynor was caught with the goods and becomes the scapegoat for a common practice on the Stock Exchange.

\$3,675 FOR CHURCH PEW. Adrian H. Mulier & Sons paid at auction last evening \$3,675 for the pew of the late Frances Jones in Grace Courts, program and tenth street, the gale was ordered by the New York Life Insurance and Trust Company, as executor. The ground rent for the pew is \$4 a year.



Brooklyn Branch. #57 Fulton St.

Mail Orders Filled. Telephone Orders Filled.

PIPER JAVA. In Dep't Stores at 35c.

OUR Regular Price 28c.
SALE PRICE for three days,
5 lbs. delivered Manhallers 5 lbs. delivered Manhattan, Brooklyn and Bronx; 10 lbs., 25 miles; 25 lbs., 100 miles. TEA English Breakfast or 50c Gillies Company 233, 235, 237 and 239 Washington St. Betab. 1840

### COPS NOT LAUGHING AT BINGHAM'S JOKE.

Police Force Has a Bad Day to Start Out in New Caps Re-

To-day, after his spry Man Friday, young Mr. Waldo-the one that went to Europe once-had shooed eight thousand defenseless policemen out into the rain and snow, wearing those foolish new lids, Gen, Bingham received the press in his office.

"Of course, a lot of the men kicked," Start Out in New Caps Replacing Helmets.

That there General Bingham is certainly the beatingest cut-up that ever was. He just naturally must have his joke about every blamed thing that comes up.

"Of course, a lot of the men kicked, he said, with the most wasgish gleam, imaginable in his merry blue ever. They forgot to bring along their rain curtains, and so they had to go out and baptize their new caps in the weather—but that's their fault.

"The only real complaint I've heard is that a citizen needing police holp could see the natrolman's helmet further at night than he can see the new

that."
(Here's where the joke comes, dear reader, so don't go away yet.)
"Yes," said Gen Bingham, "I know a way to remedy that. I'm going to tell every policeman to wear a long feather in his cap."

The key to Fortune's vaults

commonly known as a World Real Estate Ad, Acquire one to-day.

FIGHT IS BEGUN
ON ICE DEALERS.

The first gun in a campaign that Corporaton Counsel Ellison has begun against ice dealers who use short weights was fired in Long Island City to-day, when more than eighty of them were arraigned in Justice James McLaughlin's Civil Court charged with violating an ordinance. The law provides that where merchandze is vended on the streets by weight or measure the scales or greasures shall be cases were adjourned.

R.H. Macy & Co. 's Attractions Are Their Low Prices Women's \$2.50

Felt Hats at 99c.

Fine French Felt Hats in beautiful shades and various shapes. Samples—the entire line from prominent manufacturer.

# Diamonds and Gold Jewelry.

finest procurable. Single specimens in this great collection range in price up to

\$1,695.00.

### Three Special Groups of Handsome Coats for Women.

\$25.74 BLACK VELOUR COAT, 30 inches long, snug-fitting; collariess neck trimmed with silk; entire garment trimmed with Hercules braid and lined with gray satin.

\$22.74 SNUG-FITTING COAT made of splendid quality panne cheviot; 50 inches long; shawl collar of peau de soie; lined throughout with black satin.

\$19.74 BLACK BROADCLOTH COAT, full draping model, 50 inches long; collarless neck, full sleeves, satin lining throughout. This is an elaborately braided coat suitable for street or even-

## Men's Winter-weight Overcoats From \$14.75 Up to \$42.50.

N these splendid Coats you will find value-reasons for the remarkable growth of this Men's Clothing business—a growth necessitating double space for the department. To that end, the recent removal of the stocks of men's apparel from the second floor to the fifth.

Clothing manufacturers who rank among the foremost in America supply our stocks. We do not control their output. They supply other good clothing stores, but their product invariably commands much higher prices in other stores. For example, the Overcoats we sell at \$14.75 sell elsewhere at \$18.00 and \$20.00. Comparisons, throughout the line, will show equal or greater differences between the prices prevailing in other stores and the prices

Need we remind you that we welcome such comparisons?

Luxurious Fur-

Lined Overcoats

For Men.

Garments far above the avet-

age because they are made by

tailors and furriers who

work together under the same

roof and are members of an or-

ganization devoted to the pro-

duction of Fur-lined Coats-and

Ordinarily such coats are made

under conditions quite different.

turns out the fabric shells of the

garments while the fur linings

are put in by an entirely differ-

ent concern, often located in a different section of the city.

If the good work the tailor has

done suffers at the hands of the

furrier the tailor never knows it.

ganization things are different.

The workers co-operate, and

when they complete a Coat the

work is done to the liking of

With one exception noted, the

shells of the garments men-

tioned here are made of finest

quality imported broadcloths.

All Persian lamb collars are

both tailor and furrier.

Leipzig-dyed.

\$59.50-Natural muskrat lining, entire skins; collar of Per-

\$97.50-Natural muskrat lining, collar of otter; same coat

\$74.50-Blended muskrat lining, entire skins; collar of Per-

\$82.50-Blended muskat lining, small skins; collar of Per-

\$112.50 -Blended muskrat lining, selected backs of skins;

\$127.50—Natural muskrat lining, selected dark backs; collar of natural mink; same coat with Persian lamb collar and facing,

\$146.50-Natural Southern mink lining; collar of Persian

\$199.50-Natural Alaska mink lining, selected Persian lamb collar; same coat with natural eastern otter collar, \$199.50.

\$224.50-Natural French civet lining, collar of selected seal

lined with natural muskrat; Persian lamb collar and mink cuffs.

Inexpensive Winter Clothing.

Floor stocks embrace large assortments of Men's Heavy Ulsters,

Fur ined Coats and Cardigan Jackets-very inexpensive.

In addition to the Overcoats mentioned above, these Fifth

Black Kersey Ulaters, lined with plush; collar and facing of brook

Heavy Cardigan Jackets ......\$2.68 to \$8.50

\$74.50-Rainproof.Fur-lined Coats made of cravenetted cloth

sian lamb or black brook mink.

Persian lamb collar.

with Persian lamb collar at \$89.50.

With this new coat-making or-

One establishment of tailors

only Fur-lined Coats.

# Rubber Footwear.

On two floors-complete stocks of First Quality Rubber Footwear for men, women and children. Comparisons will prove that our prices are match-

On the Second Floor.

Women's and Misses' High and Low-cut Rubbers and Button or Buckle Arctics; Misses' and Children's High-cut and Knee-length Boots.

On the Fifth Floor.

Men's and Boys' High and Low-cut Buckle Arctics, Hiplength and "Storm King" Boots and High and Low-cut Rubbers.

Special-Second Floor.

Misses' Knee-length Pebble Leg Rubber Boots, sizes 11 to 2, a pair......\$1.29 Children's, sizes 81/2 to

10½, a pair...... .. 98c We handle only Best Quality

Rubbers. Beware of the "seconds" sold by many stores. They give the dealer big profits and the wearer poor service.

Winter Reefers For Boys of 5 to 16 Years.

A new model-one that we count the most popular shown this season. Cut long, but not too long to

bother the boy at play; serviceable and dressy as well. The collection includes garments made of frieze, chinchilla, cheviot and fancy mixtures—lined with flan-nels, serges and Venetians. The smaller sizes button snugly to the

Prices \$3,49 to \$13.74.

SPECIAL-Boys' All Wool Frieze Recfers, in navy or Oxford, lined with flannel; 6 to 12 year sizes,

Chinchilla Reefers, lined with Venetian or serge and finished with gilt or bone buttons; 5 to 15 year sizes,

### Boys' Suits at \$4.96 Worth \$6.50.

Second Floor. One of the best values this New Store For Little Folks has had to offer the boys this season:

BLUF SUITS double-breasted made of heavy serge or worsted cheviot; an exceptionally well made Suit, the coat cut long with vents in the back; the knickerbockers fully lined; sizes for boys of 8 to 17 years.

Boys' Overcoats at \$4.96.

Two models-one slightly formother box back; made of all-wool frieze in navy, black or Oxford; stres for boys of 8 to 17 years,

### Girls' Dresses and Skirts.

Second Floor, High Neck Dresses, made of fine quality red cheviot; full blouse trimmed with several rows of soutache braid and buttons; new model pleated skirt with deep made of fine black Panama, well tailored; 33 to 37 

Particularly interesting—the dis-play of Misses' and Children's Dresses made of fine novelty plaids and mixtures-all effectively trimmed; at prices ranging from \$6.74 to \$22.74

## Opera Glasses.

Balcony.
Selected Oriental or White Pearl Opera Glasses, with triple gilt tubes and bars; each pair in neat leather case. 11-ligne 13-ligne 15-ligne

\$4.24 \$4.49 \$4.74 Value \$5,00, \$5.23 and \$6.00. Opera Glass Bags, made of flowered 

## Men's Shirts at \$2.24: Fabrics and Patterns Out-of-the-Ordinary.

ERE is a lot of Shirts we have had made up from the short lengths of high-class shirtings that accumulated this season in our Custom Shirt department. They are made of the finest Scotch Madras and French percales, in patterns, never before used in ready-to-wear Shirts. These are coat-model garments, with cuffs attached or detached. Shirts made-to-measure, in similar fabrics and designs, regu-

Other Good Things For Men.

larly command \$4.00 and upward.

White Dress Shirts, coat model, with cuffs attached, or open front and back, with wristbands; bosoms, cuffs and neckbands made of se-lected linen; every Shirt custom laundered; sold elsewhere at \$2.00; our

SILK SQUARES FOR SCARFS TO-ORDER.

English Squares, in the newest designs and colorings. We have had some of them made up—in folded squares; or you can select the silk and we will make it up in any shape de-Specialty Furnishing shops demand \$3.50 for similar Neck-

wear. Our price ......\$1.94 Other Lines of Neckwear—in stripe, plain and figured effects; sold elsewhere at \$1.50, \$2.00 and \$2.50; our prices... 94c \$1.44 and \$1.98 PARTICULAR ATTENTION IS DIRECTED TO THE DISPLAY OF

Men's Blanket Robes At

Prices Ranging From \$4.48 to \$10.48. Soft, warm, roomy Robes in handsome Jacquard pattern; all tailor finished. We buy the blankets direct from the manufacturers and have the Robes made to our order. The result-cost-lessening of one-fourth

## Fur-lined and Furtrimmed Overcoats for Little Men.

Aristocratic apparel that figures prominently in the displays now made in the New Store For Little Folks. Included are:

Boys' Overcoats, made of heavy allwool kersey, in navy or royal blue, with shawl coliar and cuffs of Persian lamb; in 6 to 14 year sizes ... \$12.74 and \$14.74 Same with collar and cuffs of muskray fur .....\$10.74

Boys' Russian Overcoats, made of nayy, red or gray victina, with collar and cutts of tratural squirrel; 3 to 8 year sizes, Boys' All-Fur Coats, in opossum, rac-

coon, nutria, wildcat, ermine and Persian lamb ...... \$19.74 to \$139.74

# Men's and Women's Hosiery.

OPULAR lines from regular stocks, at our regular prices. Considering conditions in the Hosiery market just now, these values are exceptionally good. In most stores they would be termed special.

### Men's Half Hose.

Wool Half Hose, medium and heavy weights, in black, natural Oxford and tan; double soles, heels and toes...... 24c Wool Half Hose, light and heavy weights; double soles, heel and toes ...... 29c

Cashmere Half Hose, in natural Oxford and black; medium weights; double soles, heels 48c mere Half Hose, medium weight; double soles, heels and 48c
Cashmere Nalf Hose, medium weights, in tan, slate, Oxford and black; double soles, heels 69c 

broidered instep; double 69c Heather Mixture Wool Half Hose, heavy winter weights; dou-ble soles, heels and toes... 98c "Pescot" Unshrinkable Wool Half Hose, natural color; double soles, heels and toes. 98c "Pescot? Half Hose, blue silk and wool, unshrinkable; dou-ble soles, heels and toes. \$1.24

Heavy Shaker 24c and 48c Children's Hosiery.

Fine Ribbed Black Cashmere Plain White Cashmere Hose, size 7............ 54c

Rise 3c each larger size.

### Women's Hose.

Wool Hose, two styles of ribs in black and Oxford; double knees, heels and toes; sizes 24c Black Worsted Hose, light-weight; double soles, heels and toes ..... 29c Black Cashmere Hose, plain and

fine ribs; double soles, heels and toes; also in natural wool 49e Home-made Black Knit Wool Hose, heavy and durable; 69c double soles, heels and toes. Black Cashmere Hose, light, medium and heavy-weight; 69c double soles, heels and toes.. Black Cashmere Hose, light and

Black Fleece-lined Cotton Hose; Black Pleece-linea Colles, heavy-weight; double soles, 48c heels and toes..... Black Fleece-lined Cotton Hose 

heavy weight; double soles, heels and toes...... 98c

out sizes; heavy-weight; double soles, heels and toes; split 48c Black Cashmere Hose; out sizes, and elastic; double soles, heels and toes; m e d i u m 69c weight ..... 69c Black Cashmere Hose; out sizes; heavy-weight; double soles, heels and toes. ...... 89c Black Opera Length Cashmere

Hose; full length elastic tops; double soles, heels and toes ...... 98c Black Opera Length Cashmere Hose; medium weight; full length elastic tops; double soles, \$1.24